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PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FP-5277PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP97/03016	International filing date (day/month/year) 29 August 1997 (29.08.1997)	Priority date (day/month/year) 03 September 1996 (03.09.1996)
International Patent Classification (IPC) or national classification and IPC C12N 5/00, C12M 1/00, C12M 1/22, C12M 1/24		<b>RECEIVED</b> JAN 20 2000
Applicant KANEKA CORPORATION		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input type="checkbox"/> Certain defects in the international application</p> <p>VIII <input checked="" type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 04 February 1998 (04.02.1998)	Date of completion of this report 02 November 1998 (02.11.1998)
Name and mailing address of the IPEA/JP Japanese Patent Office, 4-3 Kasumigaseki 3-chome Chiyoda-ku, Tokyo 100-8915, Japan Facsimile No.	Authorized officer  Telephone No. (81-3) 3581 1101

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP97/03016

## I. Basis of the report

1. This report has been drawn on the basis of (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.*):

- ☒ the international application as originally filed.
- ☐ the description, pages \_\_\_\_\_, as originally filed,  
pages \_\_\_\_\_, filed with the demand,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the claims, Nos. \_\_\_\_\_, as originally filed,  
Nos. \_\_\_\_\_, as amended under Article 19,  
Nos. \_\_\_\_\_, filed with the demand,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the drawings, sheets/fig \_\_\_\_\_, as originally filed,  
sheets/fig \_\_\_\_\_, filed with the demand,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 97/03016

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-24	YES
	Claims		NO
Inventive step (IS)	Claims	1-24	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-24	YES
	Claims		NO

### 2. Citations and explanations

The invention disclosed in Claims 1 through 24 is not disclosed in any of the documents cited in the international search report, nor is it obvious to a person skilled in the art.

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

(1) Claims 1 and 13 through 20 are not sufficiently supported by the specification.

The specification including the embodiments, etc. only discloses that when culturing human cells, immunosuppressive cells are induced when certain types of antibodies and/or cytokine coexist. It does not state that only by culturing "with a culturing device having an affinity to protein" are the immunosuppressive cells induced.

Furthermore, even after taking into consideration the present state of the art, it is not possible to acknowledge that the above-mentioned induction can be achieved by means of culturing "with a culturing device having an affinity to protein" alone.

Consequently, the invention disclosed in the above-mentioned claims is not sufficiently supported by the specification.